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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,570	03/04/2005	Michael Roreger	512100-2045	8017
7590 Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151		02/05/2010		
EXAMINER				
ASD/ODL, MOHAMMAD REZA				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
02/05/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,570

Applicant(s)

ROREGER ET AL.

Examiner

M. REZA ASDJODI

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 6-10, 13-20, 22-25, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carson, Jr. et al. (US 4,328,131) in view of Hensley (US 2004/0029762 A1).

Regarding claims 1-4, 13-14, 17, 22-25, 28, and 30, Carson et al. teach an elastic soap comprising: polyvinyl alcohol (PVA); [7: 20], anionic surfactants such as sodium lauryl sulfate; [2: 48-49, 3: 24-26], bubbles by the sizes of 1micron to 1mm; [11: 39], and optional skin benefit ingredients such as fragrant, emollients; [13: 18-2], wherein the soap is contacted with the body and water for cleaning, while dissolving in water; [9: 45-60].

With respect to claims 1, "13", 17, and 28, Carson et al. do not teach the thickness of the soap being in the range of instant claims. However, Hensley teaches a sheet soap which is made for a single use, that can be made in any form, size, and cut with the thickness of about 2mm; [0036, 0041-0042]. Hensley and Carson et al. are analogous art because they are from the same field of endeavour, that of personal cleaning soap compositions. At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize Cason's soap for Hensley's delivery system (single use sheets) with the motivation of providing single use soap application, as evidenced by Hensley.

Regarding claims 6-9, 15, and 30, Carson et al. teach their soap comprising: a good foaming efficacy; [1: 16, 3: 32], and surfactants such as anionic one; [2: 48-49, 3: 24-26], wherein the density of soap is 0.8gr/cc; [11: 41-42], and the amount of air, or gas for bubbles, is variable, such as about 30%; [11: 33].

Regarding claims 10, 16, 18-19, and "20", Carson et al. do not explicitly indicate the time of soap dissolution, and its expandability. The Office realizes that all the claimed effects or physical properties, such as expandability, and dissolution time characteristics are not positively stated by the reference (or: References). However, the reference teaches all of the claimed ingredients in the claimed amount. Therefore, the claimed effects and physical properties (i.e. dissolution time, ...) would implicitly be achieved by a composition with all the claimed ingredients. If it is the applicant's position that this would not be the case: (1) evidence would need to be presented to support applicant's position; and (2) it would be the Office's position that the application contains inadequate disclosure that there is no teaching as to how to obtain the claimed

properties and effects with only the claimed ingredients.

Claims 5, 26, 27, 29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carson, Jr. et al. (US 4,328,131), Hensley (US 2004/0029762 A1), as applied to claim 1, and further in view of Abbas et al. (US 6,555,509), when taken with Roth et al. (Journal of Applied Polymer Science, Vol. 9, pp; 1083-1087 (1965).

Regarding claims 5, 26, 27, 29, and 31, Carson et al. teach the basic soap composition as set forth for claim 1 above.

Carson et al. do not teach using hydrolyzed PVA, sodium laureth sulfate, vitamin E, and aloe in their composition. However, Abbas et al. teach a soap composition comprising sodium laureth sulfate, and hydrolyzed PVA, vitamin E, and aloe vera; [6: 10-26, 14: table 1, 10: 62, 11: 2]. At the time of invention it would have been obvious to a person of ordinary skill in the art to utilize the laureth sulfate, and hydrolyzed PVA (Note: PVA with varying degrees of hydrolyzation are well known facts in the art for many years. See: Roth et al. page 4: discussion) with the motivation of enhancing cleaning efficacy and structural integrity of the soap (i.e. binding) correspondingly.

Claims 11, 12, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carson, Jr. et al. (US 4,328,131), Hensley (US 2004/0029762 A1), as applied to claim 1, and further in view of Schulerud (US 2,525,081).

Regarding claims 11, 12, and 21, Carson et al. teach the basic soap composition as set forth for claim 1 above. Carson teaches the mixing of the ingredients including PVA, cooling, and evaporation of the soap ingredients; [3: 1-14, 2: 54-55].

Carson does not teach placing this surfactants on a sheet. However, Hensley teaches a sheet soap which is made for a single use, that can be made in any form, size, and cut with the thickness of about 2mm; [0036, 0041-0042].

Carson et al. do not teach drying process inside a heating tunnel. However, Schulerud teaches a method of soap preparation wherein the soap material is transported into a drying tunnel and its water is reduced to about 10%; [2: 54-55, 3: 1-4]. At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize drying method of Schulerud, in Carson's method, with the motivation of optimizing the water content of the soap (e.g. 10%) as evidenced by both Schulerud and Carson et al.

Response to Arguments

Applicant's arguments, and English translation of foreign priority document, with respect to claims 1-31 have been considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Carson Jr. et al. and Hensley.

This action is non-final.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. M. Reza Asdjodi whose telephone number is (571)270-3295. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Milton I. Cano/
Supervisory Patent Examiner, Art Unit 1796

/M.R.A./
Examiner, Art Unit 1796
01/28/2010